

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: February 4, 2014
RE: 14-0466PD; 140 Grove Street

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RL Ward: 1

Owner/Applicant: Ireland Brothers Corp. / Patrick O'Brien Development, LLC

Request: Preliminary plat review for major Planned Unit Development to demolish existing concrete plant and associated commercial buildings, construct 15 new residential buildings with 245 residential units with associated road, parking, and site improvements.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), Article 10 (Subdivision), and Article 11 (Planned Unit Development)

Background Information:

The applicant is seeking preliminary plat approval for a 245-unit residential development, including 15 multi-family buildings and associated site improvements. A detached clubhouse and two pavilions are also proposed. Demolition of existing commercial buildings is included. The applicant undertook several sketch plan reviews with the Development Review Board, Design Advisory Board, and Conservation Board. The Development Review Board held an initial hearing for the preliminary plat application January 7, 2014. Following that hearing, the Board continued review of the application to allow the applicant time to provide additional information relative to the project's isolation from neighboring development and its topography and building elevations in cross section.

The applicant has submitted revised project plans. The revised plans switch much of the perpendicular parking with parallel parking. Six duplexes have been introduced into the project design, the 9-plex buildings are gone, and a new 12-unit building is proposed. The residential building count has increased to 15, but the total unit count has dropped slightly to 245. The clubhouse building has been relocated; its place taken by the new 12-unit building. In addition, previously missing information relative to zoning overlays, pavilion details, construction schedule, lot size, and similar details has now been provided. The changes represent a substantial improvement to the proposed development.

The project is proposed as a major planned unit development (PUD). The PUD process affords some degree of flexibility from a rigid application of the dimensional standards and unit types typically allowed in a residential zone in order to address the overall intent described by Article 11 of the CDO. Sec. 11.1.11 is intended to preserve important features and resources, to encourage a variety of housing types, to achieve a high level of design, and to provide for more efficient provision of infrastructure (which comes by way of smaller lots and buildings closer together rather than all spread out on large lots). While PUD affords a degree of flexibility, it does not supersede the rest of the CDO. The project revisions significantly improve the project's compliance with the CDO.

The Conservation Board reviewed this preliminary plat application on November 4, 2013. The Board felt that improvements had been made since sketch plan and requested additional stormwater management information, particularly as related to the potential for onsite infiltration, at final plat review. The Board did not issue a formal recommendation.

The Design Advisory Board initially reviewed this preliminary plat application on November 12, 2013. The preliminary plat review was continued to allow the applicant time to make changes to the proposal. Requested changes related to strengthening the interior streetscape, reducing parking, incorporating additional smaller buildings, depicting installation details for the proposed siding, and improving the front entries of the smaller multi-unit buildings. Revised plans reflecting modest changes, mostly to parking layout, were submitted. The Design Advisory Board voted 3-2 to recommend denial of the preliminary plat application at their November 26, 2013 meeting. The recommendation for denial was based on the scale and massing of the proposed buildings and their incompatibility with the intent of the Residential Low Density (RL) zone as articulated in the Comprehensive Development Ordinance. Except for this incompatibility with the intent of the RL zone, the DAB felt that the project was basically good and presented as a new neighborhood with a design that generally worked for what it was.

Following the DAB's recommendation for denial, staff and the applicant met to discuss the project. The applicant chose to keep the project design as originally proposed and proceed to the Development Review Board. As noted above, the DRB held an initial hearing and continued review. The revised project plans incorporate much of the parking revisions in the November 26 plan but go well beyond parking revisions as noted above.

Staff has consistently pushed for the introduction of smaller buildings, a stronger more cohesive streetscape, and parking behind buildings into the project design. The project as revised now acknowledges the express intent of the Low Density Residential zone, particularly along Grove Street. While there continues to be room for improvement, there is now a cluster of duplexes along Grove Street and framing the entry into the development. Some repositioned, and some new, buildings provide an improved interior streetscape, as does the provision of parallel on-street parking instead of angled parking.

Previous zoning actions for this property are noted below.

- 11/10/97, Approval of lot line adjustment with neighboring parcel

Recommendation: Preliminary Plat Approval as per the following findings:

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Sec. 3.5.6, Review Criteria

(a) Conditional Use Review Standards

1. *The capacity of existing or planned community facilities;*

The proposed development will be served by municipal water and sewer. As noted by the Technical Review Committee, municipal water and sewer service may be insufficient to serve this development. Upgrades at the expense of the developer are included in the project plans. Final review and approval by the Department of Public Works will be required prior to final plat approval. A state wastewater permit will also be needed prior to construction. **(Affirmative finding as conditioned)**

2. *The character of the area affected;*

The subject property is large at 20+ acres. The character of the area is defined in significant part by the concrete plant that currently occupies the site. The Centennial Woods natural area lies to the west across Grove Street, and Gorge Island lies to the east within the Winooski River. A small residential development consisting of 12 single family residences and a tri-plex lies to the south (built by the same owner of this project), and to the north are residential properties along Grove Street containing a mix of single family, duplex, and multi-family homes.

This criterion calls for consideration of the character of the area as defined by the purpose of the zone within which the project is located. This project is located in the Residential Low Density zone. The purpose statement as articulated in the CDO is as follows.

Sec. 4.4.5 Residential Districts (*emphasis added*)

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

The 5 Residential districts as illustrated in Map 4.4.5-1 are further described as follows:

1. The **Residential Low Density (RL)** district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history.

The project revisions are aimed at addressing the character of the area and the articulated intent of the RL zone. The introduction of duplexes and a tighter, more cohesive streetscape near Grove Street and into the development are consistent with these purpose statements and provide a basis for the development to expand upon. There remains opportunity for additional improvements to the interior streetscape as noted in these findings. **(Affirmative finding)**

3. *Traffic on roads and highways in the vicinity;*

A comprehensive traffic analysis has been provided. Not surprisingly, anticipated traffic generation is significant – 125 AM peak hour trip ends and 154 PM peak hour trip ends. This traffic will be in place of the existing 61 AM peak hour trip ends and 61 PM peak hour trip ends at the concrete plant.

Eight intersections are included in the traffic analysis. Five of them are in Burlington: Riverside Ave/Colchester Ave/Mill St, Riverside Ave/Barrett St, Colchester Ave/Barrett St, Barrett St/Chase St., and Grove St/site access. Only the Barrett St/Chase St and Grove St/site access intersections are not signalized. Despite an increase in vehicle trips, the traffic analysis found that none of the intersections would experience a drop in level of service (LOS) as a result of the project, either in the AM, PM, or overall LOS. Two of the intersections, Riverside Ave/ Barrett St and Colchester Ave/Barrett St experience LOS F in the PM peak hour and will continue to.

The analysis also examined the access point into the development from Grove Street. It found that stopping and corner sight distances are acceptable and that no exclusive left-turn lane into the project from Grove Street is warranted.

A number of pedestrian improvements are also noted in the traffic analysis. They include sidewalk extensions, new and improved crosswalks, and new signage.

The traffic analysis recommends incorporation of all of the pedestrian improvements. It also makes recommendations relative to intersection signalization, signage, and payment towards improvements at the Colchester Ave/Barrett St/Riverside Ave intersection. Subsequent discussion with Public Works has resulted in proposed pedestrian improvements at the Colchester Avenue/Barrett Street intersection rather than payment towards overall intersection improvements. Additional discussion has also taken place between the applicant, DPW, and CCTA relative to bus service or at least SSTA service for school children. No bus service will be provided in the immediate future but remains a possibility. The applicant will identify a central pick-up location within the project site for future potential transit service. Given this project's relative isolation and initial auto-dependence, continuing effort at providing alternative transportation options is needed.

The Department of Public Works has reviewed and commented on the traffic analysis and subsequent clarifications. DPW concurs with the analysis and recommendations. DPW review and approval of the final traffic submission will be required prior to final plat approval.

(Affirmative finding as conditioned)

4. Bylaws then in effect;

As conditioned, the preliminary plat application is consistent with applicable city bylaws.

(Affirmative finding)

5. Utilization of renewable energy resources;

The project will not utilize renewable energy resources. Utilization of such energy resources remains possible in the future. **(Affirmative finding)**

6. Cumulative impacts of the proposed use;

While this project is very large, this criterion stipulates that the cumulative impact of housing, where it is allowed, be considered negligible. **(Affirmative finding)**

7. Functional family;

There is no request to exceed the 4-unrelated adult occupancy limit in any of the proposed dwelling units. **(Affirmative finding)**

8. Vehicular access points;

See Sec. 6.2.2 (i).

9. Signs;

No signage is included in this proposal. Signs will require separate zoning permits.

10. Mitigation measures;

The proposed residential development will likely not generate offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

11. Time limits for construction;

The applicant requests a 7-year built-out, but has declined to provide a phasing schedule. If the applicant wishes to occupy any of the structures before the project is entirely completed, a phasing schedule will be needed. The purpose of a phasing schedule is to allow issuance of a certificate of occupancy to individual phases while the overall project remains under construction. **(Affirmative finding as conditioned)**

12. Hours of operation and construction;

Hours of operation need not be specified for this residential development.

Proposed hours of construction are Monday – Saturday, 7:00 AM – 5:30 PM. Given the project's relative isolation, these hours of construction are acceptable. **(Affirmative finding)**

13. Future enlargement or alterations;

In the event of future enlargement or alteration, permits would be required and reviewed under the regulations then in effect.

14. Performance standards;

Performance standards relating to outdoor lighting and erosion control are addressed under Article 5 of these findings.

15. Conditions and safeguards;

No conditions are proposed.

(b) Major Impact Review Standards

1. Not result in undue water, air, or noise pollution;

Stormwater management details have been provided. Stormwater will be handled onsite with no use of the city's separate or combined sewer systems. Stormwater will be captured and conveyed into a stormwater pond for treatment prior to discharge into the Winooski River. The design also includes several areas onsite for stormwater infiltration into the ground. These infiltration sites will result in volumetric reductions and improved water quality. Final review and approval of the stormwater system from the Conservation Board and the Stormwater Administrator is required. It also bears noting that a State of Vermont stormwater permit will also be required.

As the proposed use is exclusively residential, no significant air or noise pollution is anticipated.
(Affirmative finding as conditioned)

2. Have sufficient water available for its needs;

See Sec. 3.5.6 (a) 1.

3. Not unreasonably burden the city's present or future water supply or distribution system;

See Sec. 3.5.6 (a) 1.

4. Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

An erosion prevention and sediment control plan has been provided. As with the post-construction stormwater management plan, it will be subject to final review and approval by the Stormwater Administrator. **(Affirmative finding as conditioned)**

5. Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;

See Sec. 3.5.6 (a) 3.

6. Not cause an unreasonable burden on the city's ability to provide educational services;

The proposed development may attract families with school age children. The revised project plans include an estimate of 18 school-age children based on a January 2007 document issued by VHFA. The 18-child estimate is based on an average of 0.185 children for each of the 99 2-bedroom units and 0 children for the 1-bedroom and efficiency units. While this study is not site-specific, it does affirm the fact that a correlation exists between dwelling unit types and the number of school age children. Specifically, detached single family homes tend to attract the highest proportion of families with school age children, and smaller 1 and 2-bedroom apartment units tend to attract proportionally fewer school age children. The proposed apartments will all be 1 and 2-bedroom units. Impact fees will be paid to help offset impacts to the school system. **(Affirmative finding)**

7. Not place an unreasonable burden on the city's ability to provide municipal services;

The proposed development will generate additional impacts on city services. Review and comment by the Departments of Public Works, Fire, Parks & Recreation, Schools, and Burlington Electric has been solicited. Comments received have generally sought additional information or clarification. None asserted unreasonable impacts. **(Affirmative finding)**

8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;

See Sec. 6.2.2.

9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;

The proposed development will replace a large nonconforming industrial use in this residential zone with a new residential use. While the area is not an identified growth center, the area is zoned residential, and residential development in this area is conceptually appropriate. The development

is large enough that it will require upgrades to existing city infrastructure. These upgrades will be at the expense of the applicant. **(Affirmative finding)**

10. Be in substantial conformance with the city's municipal development plan;

The revisions to the project plan move it towards substantial compliance with the Municipal Development Plan.

The development will replace a nonconforming industrial use with residential units in a residential zone (City of Neighborhoods, pg. I-24). It will also leave much of the Winooski River shoreline and onsite wetlands undisturbed. Improvement to the Centennial Brook corridor is also proposed (City Policies, pg. II-1). The development will provide inclusionary housing units (City Policies, pg. IX-1) as required by the Comprehensive Development Ordinance.

The introduction of multiple smaller buildings and tighter placement reflects the neighborhood pattern along Grove Street (City of Neighborhoods, pg. I-24). The duplexes along Grove Street and into the development, adjoined by two 6-plexes and a new 12-unit building, maintain existing neighborhood proportions of mass and scale while transitioning to larger scale buildings deeper into the development (City Policies, pg. III-1). While there remain opportunity for additional strengthening of the interior streetscape, the revisions thus far are headed in the right direction (Streetscape Design, pg. III-7). **(Affirmative finding)**

11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;

The proposed development will not adversely impact the housing needs of the city. It will provide 245 single and two-bedroom dwelling units. The revised project plans incorporate an improved diversity of housing types. The project will not have an undue adverse impact on the city's housing needs. Inclusionary housing units will be provided as required. **(Affirmative finding)**

12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.

Modest impacts on the city's park and recreation needs are anticipated. Payment of impact fees will help offset such impacts. In addition, the applicant has worked with the Department of Parks & Recreation to agree on a series of improvements related to the Schmanska Park parking lot and access thereto. The improvements would be as articulated in the December 20, 2013 memo from Jesse Bridges to DRB c/o Scott Gustin and will be required as a condition of final plat approval, if granted. **(Affirmative finding)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone. This zone is primarily intended for low density residential development in the form of single family homes and duplexes. The revised application contains a cluster of duplexes near Grove Street. A transition to progressively larger buildings takes place further into the development. As revised, the most visible portion of the development reflects the intent of the RL zone and thereby allows for a diversity of housing types via the PUD process. **(Affirmative finding)**

(b) Dimensional Standards & Density

The proposal contains 245 residential units. The total combined property size is 20.79 acres. A small 0.8 acre portion of property will be conveyed to the neighboring residential development to the south. Within the ~20 acre site, 146 dwelling units could be constructed per the base density of 7 units per acre in the RL zone. Given the size of the development (i.e. more than 5 units), inclusionary zoning applies. Inclusionary zoning provides for an additional 25%, or 8.75 units per in this case (182 dwelling units). The buildable area of the site is just 14.93 acres and limits density (with inclusionary housing) to 131 dwelling units. Density bonuses are included in this proposal as noted in Sec. 4.4.5 (d) 7 below.

Lot coverage is limited to 35% (with an additional 10% available for decks, patios, and open porches) of the buildable area. As proposed, lot coverage within the buildable area is 42.6%. Applicable development bonuses allow up to 50% coverage.

Front yard setbacks are based on the average of neighboring properties along the same street. In this case, the front yard setback is 14' +/- 5'. The closest duplex along Grove Street complies with this setback at 9.5' from the front property line. Side yard setbacks are 10% of the lot width, up to 20', which is depicted on the site plans. The rear property line is defined by the Winooski River. As a result, a waterfront setback applies. This setback is 75' from the ordinary high water mark. The nearest building to the river is about 190' away.

Proposed building heights vary. The tallest building is 52.5' high. The standard height limit is 35'; however, exceptions may apply as noted under Sec. 5.2.6, *Building Height Limits*.
(Affirmative finding)

(c) Permitted & Conditional Uses

The major PUD is subject to conditional use review in the RL zone.

(d) District Specific Regulations

1. Setbacks

No setback encroachments are sought.

2. Height

Not applicable in RL.

3. Lot Coverage

No lot coverage exceptions are sought.

4. Accessory Residential Structures and Uses

The proposed office/clubhouse building is accessory to the residential development. As such it is subject to the dimensional and design review requirements of the CDO. **(Affirmative finding)**

5. Residential Density

All of the proposed residential units are subject an occupancy limit of 4 unrelated adults or a family as defined in the CDO. **(Affirmative finding)**

6. Uses

Not applicable.

7. Residential Development Bonuses

The applicant is seeking a residential conversion bonus under item D of this criterion. This bonus allows for a maximum of 8 dwelling units/acre for the conversion of a nonresidential use (in this case, a concrete plant) to a residential use subject to two criteria: 1) The structure shall not have previously been converted from a residential use to a nonresidential use. The concrete plant has never been residential. 2) The structure proposed for demolition shall not be listed or eligible for listing on the National or Vermont Register of Historic Places. The concrete plant is not historically significant.

The project, due to the number of proposed dwelling units (i.e. more than 5), is also subject to inclusionary zoning requirements. As a result, a base density of 8.75 dwelling units per acre applies. Inclusionary housing, while a requirement under Article 9, is also a bonus under this section of the ordinance.

These two bonuses added together result in a density limit of 16.75 units per acre and are under the limits noted in Table 4.4.5-8, *Maximum Density, Lot Coverage and Building Heights with Bonuses*. Based on the buildable area of 14.93 acres, 250 dwelling units is the maximum potential density. This bonus is discretionary and is subject to conditional use review by the DRB and includes consideration of the character of the area. Given the improvements to the project design relative to its compliance with the intent of the RL zone, incentivizing the conversion is warranted. There is opportunity for additional improvement as noted in these findings. **(Affirmative finding)**

Sec. 4.5.4, Natural Resource Protection Overlay (NR) District

(c) District Specific Regulations: Riparian and Littoral Conservation Zone

The subject property is affected by the Riparian and Littoral Conservation Zone for a 250' swath along the length of the Winooski River. This overlay zone also parallels Centennial Brook 100' wide on both sides. The project includes removal of a culvert that creates a choke point on Centennial Brook and will likely benefit the waterway and the wildlife using it. The revised project plans depict these overlay zones as required. No new stormwater outfalls are evident within these overlay zones. The degree of encroachment into these overlay zones will either remain unchanged or be lessened from existing conditions. Conservation Board review under this criterion will be required prior to final plat approval. **(Affirmative finding as conditioned)**

(d) District Specific Regulations: Wetland Conservation Zone

The subject property contains extensive wetlands, particularly to the northeast. This overlay includes the wetlands and their associated 100' wide buffer zone. The revised project plans depict the wetlands and their buffer zones. None of the wetlands are directly impacted; however, development will take place within some of the buffer zones. As with the riparian and littoral conservation zone, the degree of encroachment into the wetland buffers will either remain unchanged or will be reduced from existing conditions. As required, an assessment of impacts relative to wetland functions and values has been provided with the revised plans. Conservation Board review under this criterion will be required prior to final plat approval. **(Affirmative finding as conditioned)**

(f) District Specific Regulations: Special Flood Hazard Area

The subject property contains flood plain areas along the Winooski River affected by the special flood hazard area (SFHA). The revised project plans depict the SFHA boundary and confirm that no structures will be built within it. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

As the subject property is located within the RL zone and is greater than 2 acres in size, this criterion applies. The preliminary plat plans depict areas of wetlands and steep slopes (15% - 30% and 30% +). The resultant buildable area is 14.93 acres. Density and lot coverage calculations are based upon this figure as required. **(Affirmative finding)**

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

(b) Exceptions to Height Limits, 1

This criterion allows (permissive, not prescriptive) for new construction to exceed the 35' height limit within parcels containing an existing structure exceeding 35' as of January 1, 2008. A portion of the concrete plant contains a structure of 59' tall that has been in place since before January 1, 2008. The subject structure is immediately adjacent to Grove Street. Since the initial preliminary plat review, the Department of Parks & Recreation has indicated that it does not want to acquire the structure. It had been proposed as a bicyclist/pedestrian rest area. The applicants have requested demolition of the structure.

This provision addresses nonconforming tall buildings on sites with additional development potential and enables new development up to the height of the existing building. The intent being that new development may be equivalent, or secondary, to the existing structure. While this criterion does not expressly say so, the intent is that the existing nonconforming building should be retained as a benchmark for new development.

Retention and adaptive reuse of this industrial structure may prove to be challenging, but it should be retained as part of the site's redevelopment. As such, the new buildings exceeding 35' (up to the tallest of 52.5') would be acceptable. **(Affirmative finding as conditioned)**

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.5.5 above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

New outdoor lighting will consist of pole-mounted fixtures for parking and circulation areas, and wall-mounted fixtures for building entries. The locations are depicted on project plans, and the proposed lights are acceptable cut-off fixtures. A revised photometric plan has been submitted that shows acceptable illumination levels (3.5 footcandle maximum and 6.2 uniformity ratio). Fixture

cut sheets and illumination levels for building entries (in either footcandles or lumens) are needed. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

As noted previously, stormwater will be handled onsite and consists generally of collection and direction of runoff into a detention pond and also includes provision for infiltration. An erosion control plan has also been provided. Both items are subject to final review and approval by the Stormwater Administrator with input from the Conservation Board. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

Two large parcels and part of a third will be merged together. A boundary line adjustment will convey some property to the abutting development to the east. The proposed changes are shown on some, but not all, of the project plans. Plans must depict consistent property boundaries throughout. While a survey is not required at preliminary plat, the preliminary plans must nonetheless show exact boundary lines. A boundary survey by a VT licensed land surveyor must be provided prior to final plat review. **(Affirmative finding as conditioned)**

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

See Sec. 4.5.4 for riparian and wetland overlays. Beyond these specifically defined and regulated natural features, note that wooded areas around the periphery of the construction site will remain intact. **(Affirmative finding)**

(b) Topographical alterations

Substantial grading and filling is proposed; however, it will be limited to existing disturbed areas. The overall topography of the site will remain generally as it exists. **(Affirmative finding)**

(c) Protection of important public views

There are no important public views from or through the property. **(Affirmative finding)**

(d) Protection of important cultural resources

The property is not included in the city's map of archeologically sensitive areas (in the Open Space Protection Plan); however, its location along the Winooski River increases the likelihood that prehistoric artifacts may be present. As part of due diligence, the applicant is advised to contact the Vermont Division for Historic Preservation to inquire as to studies of the area that may indicate heightened archaeological significance. If, during construction, artifacts are unearthed, it is the applicant's responsibility to stop earthwork and to contact the Division for further guidance. **(Affirmative finding as conditioned)**

(e) Supporting the use of alternative energy

No apparent alternative energy is incorporated into the project design. Given the significant roof area, clear southern exposure, and the opportunity for economy of scale, the applicant is strongly encouraged to include rooftop solar into the project design. Final plat plans should address the

feasibility of solar (voltaic or hot water) or at least providing solar-ready construction.
(Affirmative finding as conditioned)

(f) Brownfield sites

The property is included on the Vermont DEC Hazardous Site List. The listing indicates that diesel and heating oil contamination were found but also notes that Site Management Activities were completed in 1999. **(Affirmative finding)**

(g) Provide for nature's events

A stormwater management system is proposed. The system includes a number of catch basins and pipes used to collect stormwater runoff and direct it into an onsite "wet" pond for attenuation. Stormwater will ultimately discharge into the Winooski River. Existing discharge points into Centennial Brook will be eliminated. The stormwater system takes advantage of the sandy soils and makes use of several infiltration locations to reduce stormwater volumes. Final details for the proposed stormwater management system will be required prior to final plat approval.

A comprehensive erosion prevention and sediment control plan has been provided. As with the stormwater management, final details will be required prior to final plat approval.

Several areas for snow storage are interspersed throughout the site. **(Affirmative finding as conditioned)**

(h) Building location and orientation

The proposed development is large enough that it will essentially result in the establishment of a new neighborhood. The visible public streetscape along Grove Street is an important component; however, equally important is the establishment of a well-defined built environment, functional open spaces, and interconnectivity between these components within this new neighborhood.

The project revisions create a line of duplexes along Grove Street that reflect and reinforce the existing street edge. This newly reinforced street edge is carried into the development along the access drive. Further into the development, the degree of cohesiveness quickly lessens and the transition into the large 30+ unit apartment buildings remains abrupt. There are basically two clusters of development within the project; one to the west (with the access onto Grove Street) and one to the east. Most of the new buildings are located in the western cluster, and additional emphasis on a cohesive streetscape with multiple smaller buildings in this cluster is encouraged. Opportunity should be taken to fill in some gaps along the interior streetscape with new buildings opposite the new duplexes on the west side of the center green. These new buildings should face the center green with a pedestrian or multi-modal path in front of them across the green. Doing so would have the effect of making the first parking area to the north a rear parking lot and would reinforce the top edge of the center green. The new 12-unit building could be split into multiple smaller 3- or 4-unit buildings along two edges of the center green. Building F should be shifted westward (and the garage access shifted to the east side) to balance the streetscape along the north side of the center green. Building D could be rotated 90 degrees to parallel the connector street to the eastern cluster of development. Two new smaller buildings could then be placed to its north along the center green. Building C could be shifted eastward to face the repositioned Building D, and the parking lot could be shifted across from the clubhouse building (or even further south trading places with Building B).

The foregoing changes are just some of a myriad of possibilities to further improve this development and strengthen its relationship with the city's existing built environment. There is opportunity to fill in most of the gaps within the interior street network with a mix of new smaller buildings and repositioned larger ones. The overall unit count may or may not be affected depending on the changes pursued. The CDO and Municipal Development Plan articulate a vision for vibrant city neighborhoods with a fabric of cohesive streetscapes and call for new neighborhoods to reflect this vision. The proposed development is headed in the right direction. With the changes noted above, it can achieve that vision. **(Affirmative finding as conditioned)**

(i) Vehicular access

One existing curb cut will be removed to allow for restoration of the Centennial Brook channel. Doing so will leave one curb cut to serve the development. Adequacy of access has been conceptually approved by the Fire Marshal, and final approval will be required prior to final plat approval. Sight lines and turning radii will be subject to review and approval by the Department of Public Works. **(Affirmative finding as conditioned)**

(j) Pedestrian access

All proposed buildings have front walkways that connect to the walkway network throughout the development. This interior walkway network connects to the public sidewalk along Grove Street. This public sidewalk will be extended into South Burlington as part of this development. The new duplexes facing Grove Street each have individual front walkways connecting to the public sidewalk.

The application notes that the city sidewalk will continue across the access drive into the site; however, the plans continue to note striping. This inconsistency must be corrected on final plat plans.

Pedestrian routes from parking areas are depicted on the project plans. **(Affirmative finding as conditioned)**

(k) Accessibility for the handicapped

Handicap parking spaces are depicted on the site plans. The buildings will require handicap accessible features per the ADA as administered through the city's building code. **(Affirmative finding)**

(l) Parking and circulation

Parking will be provided underneath the 6 largest buildings, along the interior streets, and in several surface parking lots. This criterion requires that parking be placed at the side or rear of the property to the extent possible and screened from view from surrounding properties and adjacent public streets. Improvement has been made by replacing much of the angled parking in front of the buildings with parallel parking along the interior streets. Some angled parking lots remain but have been substantially reduced in scope. The large parking area in the center of the development should be shifted westward and trade places with Building C as noted above.

This criterion also requires shading of surface parking areas. A 30% shading objective is articulated. The revised plans include a shading analysis and demonstrate compliance with the 30% target. **(Affirmative finding)**

(m) Landscaping and fences

A comprehensive landscaping plan has been provided and includes an extensive mix of new trees, shrubs, and perennials. Trees will line all of the parking areas and interior streets. Some of the new trees are proposed along Grove Street and are subject to review and approval by the City Arborist. Generally, the proposed landscaping is used to provide boundaries between interior spaces and to soften transitions between buildings and pavement. Split rail fencing will be installed to follow the eastern “ridgeline” along the clearing boundaries of the site. It too will provide a boundary between the developed and wooded portions of the property. **(Affirmative finding as conditioned)**

(n) Public plazas and open space

Substantial open space will be available for use by residents of the development. A large center green is proposed and may be used for active or passive recreation. A clubhouse and community pool are also provided. Two pavilions will provide sheltered space for outdoor activities. Links to trails will be provided and will afford access into the wooded portions of the property. Two community garden sites are also depicted on the revised project plans. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

Substantial new infrastructure will be required to support the proposed development. A utility plan and details sheet have been provided. All utility lines must be buried. Several dumpster pad locations are evident on the site plan. The revised project plans provide details specifying concrete pads with 6’ 4” cedar stockade fence screening. The revised plans also note that the larger apartment buildings will have interior wall-mounted mail boxes. The smaller buildings will share exterior “gang” boxes. Details have not yet been provided, but the application notes that they will be designed to relate to the surrounding buildings. No ground-mounted mechanical equipment (such as HVAC or electrical “hot boxes”) details have been provided and must be on final plat plans. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The revised project plans provide some new variety to building types. The duplexes are new, as is the 12-unit building. The 9-unit buildings are gone. The design of the 6-unit buildings, the 30+ unit buildings, and the clubhouse remain unchanged. Revised project plans also include schematic drawings of the proposed pavilions. Note that the building labels on the elevation drawings are not consistent with those on the site plans. Building G on the site plans is labeled as Building C on the elevation drawings, and the elevation drawings label the single largest building as M, whereas there is no M on the site plans. This inconsistency needs to be fixed.

The duplexes provide an appropriate starting point for the new development along Grove Street. Their massing, height, and scale is similar to that of existing residences along the street. This is the single most important consideration under this criterion for new residential development.

Further into the development, the buildings transition to two 6-plexes and a 12-unit building. The two 6-plexes successfully read as large homes. They effectively utilize fenestration, porches, dormers, and other architectural details to provide some level of intricacy to these fairly large buildings. The 12-unit building is a transition in style from a large home to what is clearly a multi-unit structure. As with the much larger apartment buildings, this structure incorporates multiple distinct building elements, varying roof planes, and materials to break up its perceived scale.

The large 30+ unit buildings incorporate a variety of porches, balconies, varying materials, and architectural details to avoid any large expanses of undifferentiated building mass. The buildings also appear more vertical than horizontal as required by this criterion. Five of these six buildings, however, are identical (the 6th is the tallest and incorporates an extra story). Although not explicitly required by this criterion, some differentiation amongst these buildings should be considered.

The clubhouse building is a relatively low-slung gable-roofed structure with a fairly innocuous design. It is not a residence and does not read as such; however, as proposed, the building clearly reads more horizontal than vertical. The wide roof mass and the relatively short exterior walls contribute to this perception. More vertical emphasis should be placed on the building design as required by this criterion. **(Affirmative finding as conditioned)**

2. Roofs and Rooflines

The duplexes include traditional gable roofs. The 6-unit buildings incorporate a hip roof design with roof dormers to enable living space. The proposed roof type is typical of residential development. The larger buildings contain what may best be described as a hybrid roof form. Differing planes and gables contribute to breaking up the massing of these larger apartment buildings. As noted above, the clubhouse building includes a gable roof with dormers. **(Affirmative finding)**

3. Building Openings

Proposed fenestration in the duplexes and 6-unit buildings is typical for residential development and appears to consist primarily of double hung windows with grilles applied in a consistent pattern. There is more variation in the larger apartment buildings. That variation helps to define individual components within the very large structures. The clubhouse includes fenestration unique within the development. This uniqueness appropriately helps to differentiate it from the residential buildings. **(Affirmative finding)**

(b) Protection of important architectural resources

Buildings within the existing concrete plant are not historically significant. Their demolition will not adversely impact any important architectural resources. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The proposed development is large enough to amount to the creation of a new residential neighborhood. The revised project plans move towards an improved street edge; however, there is

significant opportunity for additional improvement – mostly related to the siting of proposed and additional buildings as noted previously. As for those buildings presently proposed and their relationship to the street, they contain clearly defined entries and pedestrian-friendly elements such as front porches, walkways, differentiated facades. **(Affirmative finding)**

(e) Quality of materials

Exterior building materials consist largely of varying types of vinyl siding. Some brick veneer will be utilized on the largest apartment buildings and stone veneer along the foundation of the clubhouse. Composite trim will be installed along with asphalt shingle roofing. Railings will be metal, and clad windows will be installed. This criterion states that “all development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts.” Vinyl siding is not especially durable, and has a short lifecycle when compared to other materials; however, the Design Advisory Board felt that vinyl may be acceptable depending on installation details. No such details have been provided and must be prior to final plat approval. **(Affirmative finding as conditioned)**

(f) Reduce energy utilization

There is no information relative to energy efficiency of the proposed buildings. At a minimum, the buildings must comply with the city’s current energy efficiency requirements. **(Affirmative finding)**

(g) Make advertising features complimentary to the site

No advertising features are included in the proposal. Signs are subject to subject zoning permit review. **(Affirmative finding)**

(h) Integrate infrastructure into the building design

No building mounted mechanical equipment or meters are noted on the elevation plans. Any rooftop equipment must be incorporated into an architectural feature as part of the overall project design. They may not simply be placed atop the roofs. The application acknowledges these standards and notes that details will be provided on final plat plans. **(Affirmative finding as conditioned)**

(i) Make spaces safe and secure

Building entries will be illuminated, and the buildings should have intercom systems to maximize personal safety of the tenants. The Fire Marshal has preliminarily approved the single site access. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. As a result, each dwelling unit requires 2 parking spaces – a total of 490 parking spaces in this case. As proposed, 435 parking spaces are included (198 underground the large apartment buildings and 237 surface). Note that the project narrative incorrectly states 236 spaces and must be corrected. In light of the 1- and 2-bedroom units throughout the development, the Conservation Board and the Design Advisory Board encouraged the applicant to lessen the amount of parking and seek a parking waiver. The revised project plans reflect this reduction, but do not include a parking management

plan per Sec. 8.1.15, *Waivers from Parking Requirements/Parking Management Plans*. Such a plan is needed in order to grant the requested waiver. **(Affirmative finding as conditioned)**

Sec. 8.2.5, Bicycle Parking Requirements

The revised project plans contain previously lacking bike parking details. The project requires 72 long term spaces and 29 short term spaces. As proposed, 200 long term spaces and 142 short term spaces will be provided. Long term spaces will be provided in interior lockers. Short term spaces will be provided in a series of bike racks in front of, and within, the apartment buildings throughout the site. **(Affirmative finding)**

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.5, Applicability

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of this Article. Fifteen percent of the total unit count must be inclusionary (15% of 245 is 37 dwelling units). The application notes that these 37 inclusionary units will be provided. Final details as to location and level of affordability must be worked out with the city's Housing Trust Fund prior to final plat approval. **(Affirmative finding as conditioned)**

Article 10: Subdivision

There is no apparent subdivision of land included in this proposal. A 0.8 acre lot line adjustment is included with the abutting residential property to the south. As a major PUD, a boundary survey done by a VT licensed surveyor must be completed with the final plat application. **(Affirmative finding as conditioned)**

Article 11: Planned Unit Development

Sec. 11.1.6, Approval Requirements

(a) Lot coverage requirements of the district shall be met

The coverage limit is 35% in the RL zone, but may reach 50% with bonuses. The plans note 42.6% coverage of the buildable area. **(Affirmative finding)**

(b) The minimum setbacks required for the district shall be met

As noted previously, front, side and waterfront setbacks are compliant. **(Affirmative finding)**

(c) The minimum parcel size shall be met if the project is located in a RL or RL-W district

The two acre minimum lot size requirement for PUD has been met. **(Affirmative finding)**

(d) The project shall be subject to design review and site plan review of Article 3, Part 4

See Article 3 above.

(e) The project shall meet the requirements of Article 10 for subdivision review

See Article 10 above.

(f) All other dimensional, density, and use requirements of the underlying zoning district shall be met as calculated across the entire property

Building heights exceed the 35' limit. The application references Sec. 5.2.6 (b) which allows for new building heights to match existing nonconforming building height on the property. As noted

previously, doing so is acceptable so long as the existing nonconforming building is retained and incorporated into the project design. **(Affirmative finding)**

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB

Significant open space will be provided and will afford opportunity for passive and active recreation. Revised project plans indicate that the open space lands will be maintained by the project owner. **(Affirmative finding)**

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.

A 7-year build-out has been requested, but no phasing schedule has been provided. As noted previously, a phasing schedule is strongly recommended so that individual buildings may be occupied while the remainder of the project is under construction. **(Affirmative finding as conditioned)**

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests
Sec. 11.1.1, Intent

(a) Promote the most appropriate use of land through flexibility of design and development of land;

Removal of a nonconforming industrial use and replacement with residential development is conceptually appropriate. The revised project plans are an improvement over the previous submission and move the development closer to the purpose and vision for the RL zone articulated in the CDO and Municipal Development Plan. Further project revisions as called for in these findings will result in a project reflecting the most appropriate use of this land. **(Affirmative finding)**

(b) Facilitate the adequate and economical provision of streets and utilities;

Multiple residences will be served by shared streets and utilities within the development. Construction of the residences and supporting infrastructure is included in the same development. **(Affirmative finding)**

(c) Preserve the natural and scenic qualities of open space;

Open space will remain, and much of it will contain protected natural features like wetlands and riparian corridors. **(Affirmative finding)**

(d) Provide for a variety of housing types;

The revised project plans introduce new variety to the housing types proposed. Residential structures now include 2-, 6, 12-, and 30+ unit buildings. **(Affirmative finding)**

(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and,

Not applicable. The subject property does not need to be developed as a PUD, but it may be.

(f) *Achieve a high level of design qualities and amenities.*

The appearance and design qualities of the buildings themselves are acceptable. As noted in these findings, significant opportunity remains to strengthen the interior streetscape with additional and repositioned buildings. Substantial amenity in the form of common open spaces, river access, club house, and pavilion areas will be provided.
(Affirmative finding as conditioned)

(j) *The proposed development shall be consistent with the Municipal Development Plan*
See Sec. 3.5.6 (b) 10.

II. Conditions of Approval

1. This preliminary plat approval in no way grants or implies final plat approval. Final plat application shall be filed in accordance with Section 10.1.9, *Final Plat Approval Process*, of the CDO and per these Conditions of Approval.
2. Prior to final plat application, written acceptance of the proposed public traffic and pedestrian transportation improvements shall be obtained from the Dept. of Public Works. Written approval of the proposed public water and sewer service upgrades shall also be obtained from the Dept. of Public Works.
3. Prior to final plat application, written acceptance of the proposed improvements to Schmanska Park and its parking lot shall be obtained from the Dept. of Parks & Recreation.
4. Prior to final plat application, written acceptance of the proposed street trees along Grove Street shall be obtained from the City Arborist.
5. Prior to final plat application, written acceptance of the single access drive and its sufficiency for emergency service vehicles shall be obtained from the Fire Marshal.
6. Prior to final plat application, a boundary survey by a VT licensed land surveyor shall be provided and shall show all proposed boundary adjustments.
7. Prior to final plat application, the applicant shall contact the Vermont Division for Historic Preservation to inquire as to studies of the area that may indicate heightened archaeological significance.
8. Prior to final plat application, written acceptance of the proposed inclusionary housing shall be obtained from the city's Housing Trust Fund.
9. Prior to final plat application, the site plan shall be revised to strengthen the interior streetscape and to provide for a more gradual transition between smaller buildings to the largest apartment buildings. Doing so may be as recommended in Sec. 6.2.2 (h) of these findings or otherwise.
10. Final plat plans shall depict mechanical equipment, "hot box," and outdoor mailbox details.
11. Final plat plans shall contain consistent building labels between the elevation drawings and site plans.
12. Final plat plans shall include a revised clubhouse building design with greater emphasis on perceived verticality.
13. Final plat plans shall include installation details for the proposed exterior building materials.
14. Final plat plans shall depict a concrete public sidewalk across the access drive into the development.
15. Final plat plans shall address the feasibility of solar energy or hot water, or at least solar-ready construction, for the development.

16. Final plat plans shall include fixture cut sheets and illumination levels for building entries shall be provided.
17. Final plat plans shall include written approval of the project stormwater management system and erosion prevention and sediment control plan from the Conservation Board and the Stormwater Administrator.
18. The final plat plans shall include a parking management plan per Sec. 8.1.15 of the CDO for the requested parking waiver.
19. The existing 59' tall concrete structure immediately along Grove Street shall be retained and integrated into the project design. Details shall be provided in the final plat plans.
20. Prior to final plat approval, Conservation Board shall review the project under Sections 4.5.4 (c) and (d) – riparian and wetland overlay zones.
21. A project phasing schedule is strongly encouraged and should be included in the final plat application.

Scott Gustin

From: Brian Pine
Sent: Wednesday, January 29, 2014 12:35 PM
To: Scott Gustin
Subject: Article 9 for Grove St. project

Scott:

I am responding to a question that was raised at the DRB hearing regarding compliance with Article 9 on the project proposed by Scott Ireland for his Grove Street property.

Please remind the DRB that they have previously approved several projects featuring stand-alone buildings that feature affordable rental housing to meet the requirements of Article 9. This approach was used at Hinds Lofts and Thayer Commons and was deemed to meet or exceed the requirements of Article 9.

Please let me know if further information is needed regarding this aspect of the proposed project.

Brian

Brian Pine
Assistant Director for Housing
Community & Economic Development Office
149 Church St.
Burlington, VT 05401
802-865-7232 Direct Line
802-865-7144 Front Desk
802-578-6953 Cell

What's New at CEDO: www.burlingtonvt.gov/cedo
Burlington Lead Program: www.burlingtonleadprogram.org

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PATRICK O'BRIEN DEVELOPMENT, LLC DEPARTMENT OF
PLANNING & ZONING

200 Old Farm Road
South Burlington, VT 05403
Pjobrien66@comcast.net
802-373-0096

January 22, 2014

Mr. Scott Gustin
Senior Planner
City of Burlington

RE: Grove Street Revised preliminary submission.

Dear Scott,

I hereby submit a revised plans and supporting information for the Development Review Board.

As you will see from the plans, we are heeding your advice and revised the plans mostly as it relates meeting the intent of the RL district, strengthening the street scape and parking. Specifically, we have added several duplexes along Grove Street and the projects' entrance, replaced the first two 9 plex units with two six plex's and then added a two story twelve plex where the Community building was located (it is now on the lower level of the site). In total, we have 15 residential buildings instead of 11.

I also offer the following information only as it relates to information or clarity that was evident after reading your January 7th staff notes.

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Sec. 3.5.6, Review Criteria

(a) Conditional Use Review Standards;

1. The capacity of existing or planned community facilities;

The proposed project will be served by municipal water and sewer in accordance with the plan set provided. We met with the DPW in conjunction with the water department and sewer department several times prior to proposing the offsite improvements, which are also in the plan set.

11. Time limits for construction;

We are not proposing a seeking a specific build-out of phasing plan, but we are proposing that a construction period of 7 years.

12. Hours of operation and construction;

Hours of construction shall be from 7 am to 5:30 pm Monday through Saturday.

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Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Sec. 3.5.6, Review Criteria

(b) Major Impact Review Standards

6. Not cause an unreasonable burden on the city's ability to provide educational services;
Based on appendix 4 & 5 of a study (attached as Exhibit 1) commission by VHFA titled: HOUSING AND VERMONT'S SCHOOL ENROLLMENT, each 2 bedroom unit will generate approximately 0.185 school age (K-12) students. One bedroom and efficiency units do not generate school age children. We are proposing approximately 99 two bedroom units which equates to a total of 18.32 children. Currently the school children in this area that choose to go to Burlington Public School attend either Edmunds or Burlington High School and if they choose to ride the Neighborhood Special they will be picked up at the intersection of Chase and Barrett Street which is approximately 1,600 feet from the project (about the length of Church Street from Main Street to Pearl Street. According the City of Burlington's Impact fee calculator this project will generate approximately \$225,000 in School Impact fees which mitigate any impacts that this project has on the Cities public school system. A letter has been sent to the Superintendent of Burlington School district seeking their input on the project.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(b) Dimensional Standards & Density

We are proposing 245 units on 14.93 "developable" acres which equates to a density of 16.41 units per developable acres. The base density coupled with the Inclusionary and Residential Conversion bonus equate to a density of 16.75 units per "buildable" acre or 250 units. Please refer to sheet S1 for the calculations.

The base lot coverage for this district is 35% of the buildable area and lot coverage bonuses are available up to 50%. We are proposing lot coverage of 42.6%, which is far better than the 95% that exists on the site today. Please refer to sheet S1 for the calculations.

Height is addressed below in section 5.2.6.

Sec. 4.5.4, Natural Resource Protection Overlay (NR) District:

We have met with the Conservation Committee and they liked the changes we have made since sketch plan. The removal of the existing culvert carrying Centennial Brook and having only one entrance was at their request. All applicable zones have been added to the plans.

c) District Specific Regulations: Riparian and Littoral Conservation Zone;

Please refer to the attached memo (and supporting erosion prevention plans) by Paul O'Leary dated January 20, 2014, which is attached as exhibit 2.

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(d) District Specific Regulations: Wetland Conservation Zone

Please see attached memo by Errol Briggs dated January 22, 2014, which is attached as exhibit 3.

(f) District Specific Regulations: Special Flood Hazard Area.

Please see attached memo by Paul O'Leary dated January, 20, 2014 (exhibit 2).

Article 5: Citywide General Regs

Section 5.2.6, Building Height Limits

(b) Exceptions to height limits, 1

This criterion allows us to exceed 35' for new buildings because of an existing structure that was built prior to 2008. The existing structure is the below mentioned old concrete plant and associated ramp along Grove Street. This structure is 59 feet tall. Our tallest building proposed is 52.5 feet tall which is 4 stories (building A). Please see sheet EX 1 for details.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(n) Public plazas and open space

The project has two large open spaces that will be used by the Residents. These spaces may also be used for various temporary seasonal activities including ice skating and sliding in the winter and volleyball and gardening in the summer. Due to the proximity to the public playground and basketball court at Syzmanski Park and the low number of school age children projected (18) to live here we feel that it is not necessary to have these amenities on site. We have also proposed two pavilions that will have outdoor grills that will serve the residents. See Exhibit 4 for details of the pavilions. We are also proposing to give to the city a 0.08 acre parcel of land along Grove Street that currently surrounds the old concrete plant and associated ramp, we have proposed to both the BPW and P&R that it be used for an overlook. See attached illustration (exhibit 5). A draft deed has been sent to the City attorney for review. In the event that the city does not want the parcel and the old plant, we are proposing to dismantle and remove it.

(p) Integrate infrastructure into the design

Please see attached (exhibit 6) specification for dumpster screening. It is likely that there will be exterior "gang" boxes for the smaller buildings all of which will be designed to blend in with their surroundings. The larger buildings will have interior wall mounted mail boxes. The HVAC systems and electrical transformers will be shown on the final plans and will blend in with the building and / or be screened with landscaping.

Part 3, Architectural Design Standards

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Sec. 6.3.2, Review Standards

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(a) Relate development to its environment

1. Massing, Height and Scale

We are proposing 6 different residential building sizes, 6 two unit buildings, 2 six unit buildings, 1 twelve unit building, 5 thirty three unit buildings and one 44 unit building. Their positioning provides front to rear transition from small to medium to larger buildings. We have also moved all of the parking lots to the side or rear of the building and further defined the street edge by moving some of the buildings closer to the street.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

Each dwelling unit requires a total of 2 parking places for a required total of 490 spaces. We are proposing a total of 236 mostly due to the fact that approximately 60% of the units will be one bedroom. We feel that our proposed ratio is 1.86 parking spots for each unit will suffice.

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Sec. 8.2.5, Bicycle Parking Requirements

The project requires 72 long term spaces and 29 short term spaces. We are proposing a short term bike racks (that hold 5 bikes each) in front of each large building and two other centralized ones near the smaller buildings. We have also allocated spaces in each underground garage for short term parking for a total of 142 short term spaces. For long term parking we have allocated places in front of each parking place in each underground garage and have designed the basement of the 12 plex to hold 16 more as well, for a total of over 200 long term spaces. Access to the long term bike storage in the 12 plex will be via a side door facing the duplexes. Attached as exhibit 7 is the spec sheet for the proposed bike rack, which will be attached to a concrete pad.

Article 9: Inclusionary and Replacement Housing

We have met with the Manager of the Housing Trust Fund as well as Champlain Housing Trust who may own and/or manage the inclusionary units. They have expressed interest in either building B&C and will be ready to purchase in two to three years.

Article 11: Planned Unit Development:

(g) Opens space or Common land shall be assured and maintained in accordance with the conditions prescribed by the DRB.

All of the usable open space and common areas on the project will be maintained by the owner.

Please call or e-mail me to schedule a time to review the plans and these attachments. Thank you for the time and energy you have put into this project.


Patrick

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JAN 24 2014

Memorandum

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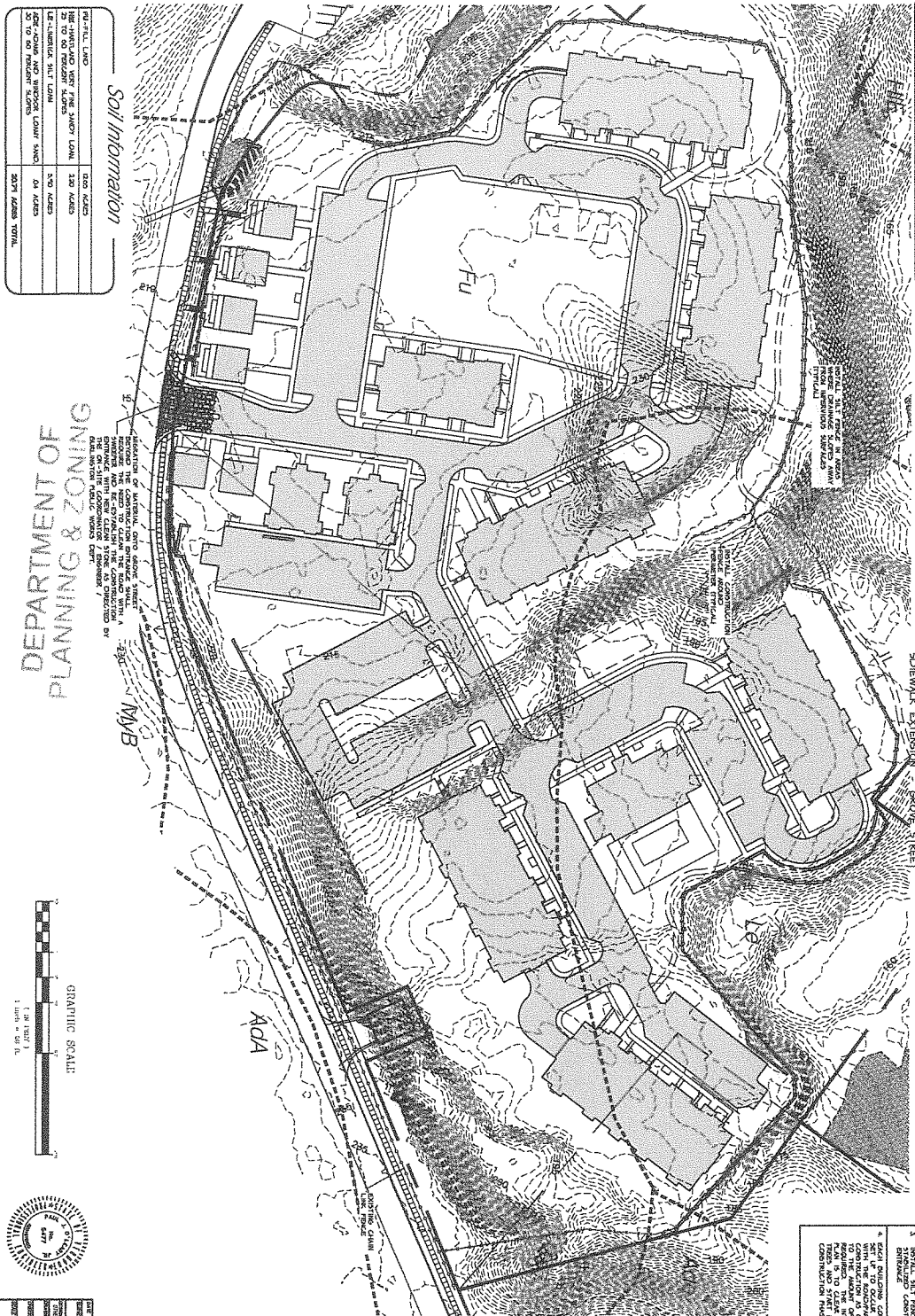
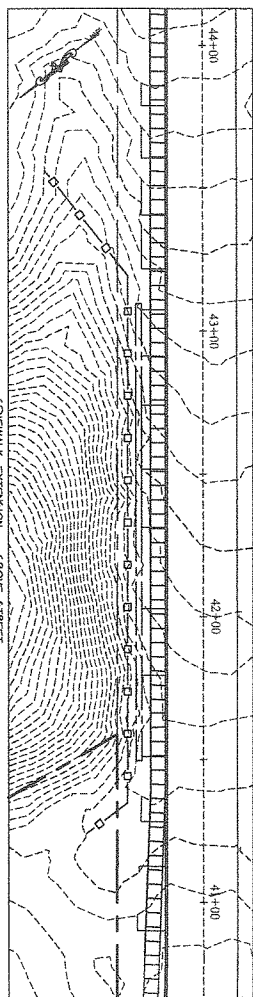
To: Scott Gustin
CC: Patrick O'Brien
Bryan Currier, EI
From: Paul O'Leary, PE
Re: 140 Grove Street Development Project - Riparian and Littoral Conservation Zone,
Wetlands Buffer and Special Flood Hazard Area Boundary
Date: January 20, 2014

The existing SD Ireland concrete plant encroaches on the Riparian and Littoral Conservation Zone buffer and the Wetland Buffers that surround the 140 Grove Street property. The site plan for the proposed development project greatly reduces the amount of impervious coverage inside the buffers. The proposed development project fits inside the current impervious footprint of the SD Ireland concrete plant so very little vegetation removal is proposed inside the buffer zones. Please see the table below for reduction of impervious acres located inside the buffered zones.

Buffer/Boundary	Setback (feet)	Existing Impervious (acres)	Proposed Impervious (acres)	Change in Impervious (acres)
Conservation Zone Winooski River	250	1.28	0.30	-0.98
Conservation Zone Centennial Brook	100	0.67	0.22	-0.45
Wetlands	100	0.46	0.11	-0.35
Special Flood Hazard Area (SFHA)	N/A	0.00	0.00	0.00

In order to satisfy the conditional use requirements for disturbing areas located inside the Riparian and Littoral Conservation Zone and wetlands buffer an extensive six sheet Erosion Prevention and Sediment Control plan was designed for the site.

The Special Flood Hazard Area boundary along the Winooski River is not being encroached by the existing SD Ireland concrete plant or the proposed development.

[illegible]

Soil Information

	ACRES
FILL LAND	100 ACRES
HEAVY WOODLAND VERY FINE SANDY LOAM 75 TO 90 PERCENT SLOPES	120 ACRES
LE-TERRESTRIAL MALT LOAM	250 ACRES
SANDY AND BRICKS OR LOAMY SAND 20 TO 60 PERCENT SLOPES	84 ACRES
TOTAL	534 ACRES TOTAL

GRAPHIC SCALE

1 inch = 100 ft.
1 inch = 100 ft.

[illegible][illegible]

SHT.	PLAN DESCRIPTION
E1	EP5C PRE - CONSTRUCTION PLAN
E2	EP5C CONSTRUCTION PLAN PHASE I
E3	EP5C CONSTRUCTION PLAN PHASE I
E4	EP5C POST - CONSTRUCTION PLAN
E5	EP5C CULTVERT REMOVAL PLAN
E6	EP5C DETAILS + SPECIFICATIONS

[illegible]

ON-SITE COORDINATOR:
PAT O'BRIEN
PHONE - (802)373-0096

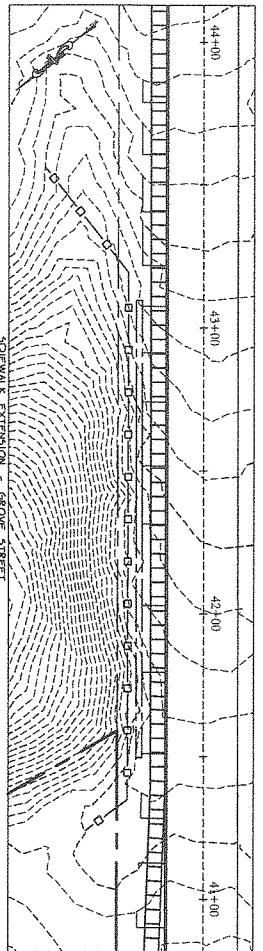
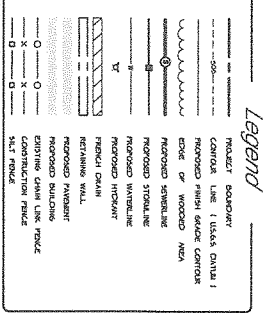
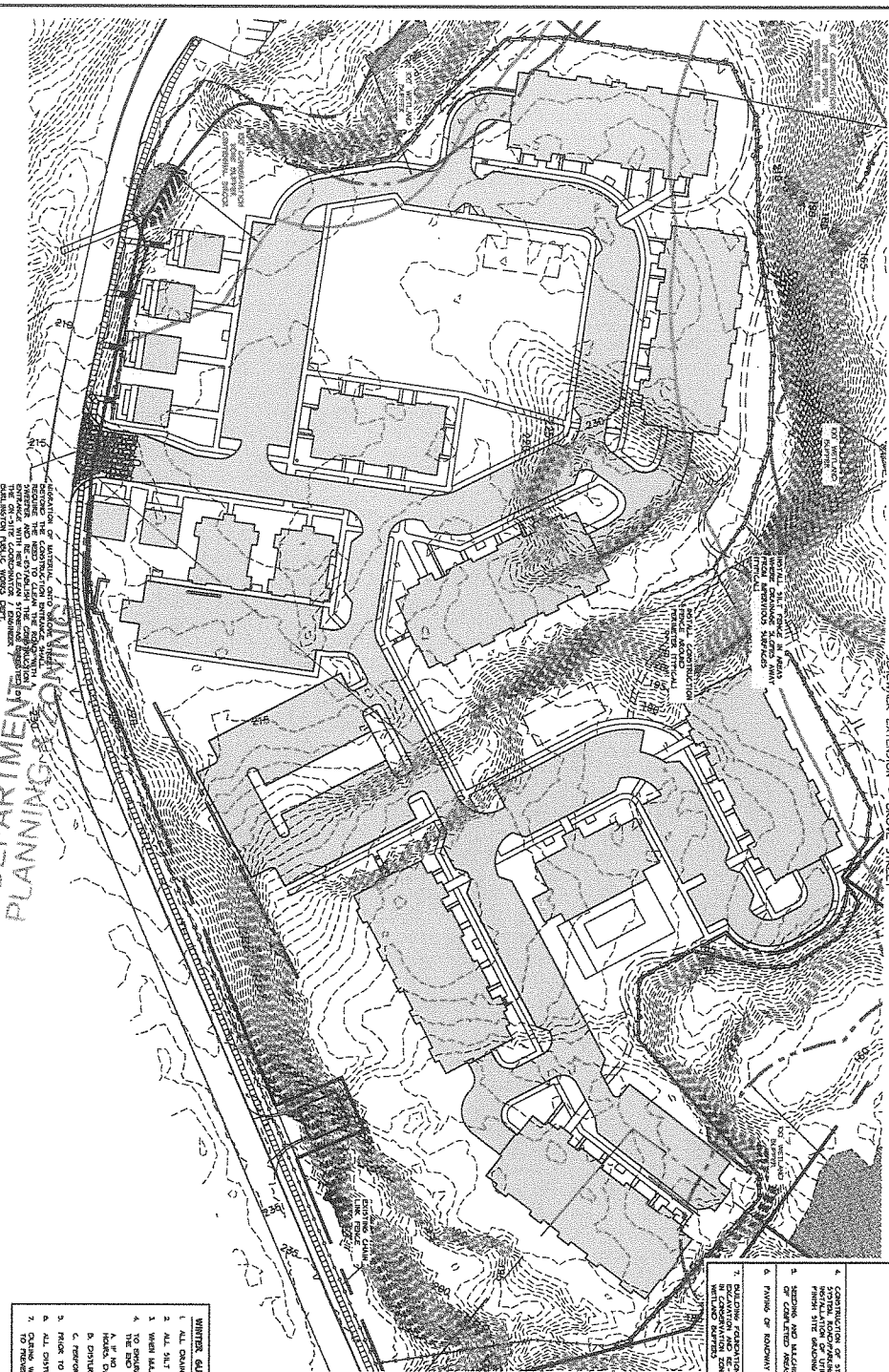
NOTE: IF WINTER CONSTRUCTION WILL OCCUR BETWEEN OCTOBER 5 AND APRIL, 6 REFER TO THE WINTER EROSION CONTROL GUIDELINES FOR ADDITIONAL EROSION AND SEDIMENT CONTROL REQUIREMENTS APPLYING TO ANY COMPONENT OF PROJECT AS OUTLINED ABOVE.

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CONSTRUCTION SEQUENCING FOR EROSION PREVENTION + SEDIMENT CONTROL

THE SEQUENCE OF CONSTRUCTION SHALL BE SUCH THAT THE EROSION CONTROL MEASURES ARE IN PLACE BEFORE ANY DISTURBANCE TO THE SITE. THE SEQUENCE OF CONSTRUCTION SHALL BE SUCH THAT THE EROSION CONTROL MEASURES ARE IN PLACE BEFORE ANY DISTURBANCE TO THE SITE.

PHASE 1		CONSTRUCTION OF FOUNDATIONS AND PAVING AREAS, INSTALLATION OF UTILITIES, AND SITE GRADING	
MAJOR CONSTRUCTION ITEM	EROSION CONTROL	MAINTENANCE	CONSTRUCTION
1. MAJOR LIMITS OF AREA TO BE DISTURBED	INSTALL CONSTRUCTION FENCING AT LOCATIONS SHOWN ON PLAN.	MAINTAIN SLOPE AND EROSION CONTROL OF SLOPE.	MAINTAIN SLOPE AND EROSION CONTROL OF SLOPE.
2. INITIAL SLOPE PREPARATION AND STABILIZATION	INSTALL SLOPE PREPARATION AND STABILIZATION MEASURES SHOWN ON PLAN.	MAINTAIN SLOPE AND EROSION CONTROL OF SLOPE.	MAINTAIN SLOPE AND EROSION CONTROL OF SLOPE.
3. GRADING AND TOPSOILING	INSTALL SLOPE PREPARATION AND STABILIZATION MEASURES SHOWN ON PLAN.	MAINTAIN SLOPE AND EROSION CONTROL OF SLOPE.	MAINTAIN SLOPE AND EROSION CONTROL OF SLOPE.
4. CONSTRUCTION OF STRUCTURES AND UTILITIES	INSTALL SLOPE PREPARATION AND STABILIZATION MEASURES SHOWN ON PLAN.	MAINTAIN SLOPE AND EROSION CONTROL OF SLOPE.	MAINTAIN SLOPE AND EROSION CONTROL OF SLOPE.
5. FINISH OF PAVING AREAS	INSTALL SLOPE PREPARATION AND STABILIZATION MEASURES SHOWN ON PLAN.	MAINTAIN SLOPE AND EROSION CONTROL OF SLOPE.	MAINTAIN SLOPE AND EROSION CONTROL OF SLOPE.
6. FINISH OF PAVING AREAS	INSTALL SLOPE PREPARATION AND STABILIZATION MEASURES SHOWN ON PLAN.	MAINTAIN SLOPE AND EROSION CONTROL OF SLOPE.	MAINTAIN SLOPE AND EROSION CONTROL OF SLOPE.

NOTES: 1. EROSION CONTROL MEASURES SHALL BE IN PLACE BEFORE ANY DISTURBANCE TO THE SITE. 2. EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL 60 DAYS AFTER COMPLETION OF CONSTRUCTION.

ON-SITE COORDINATOR:
PAT O'BRIEN
PHONE - 802.373.0096

CONSTRUCTION SCHEDULE	
MAJOR CONSTRUCTION ITEM	DATE
1. MAJOR LIMITS OF AREA TO BE DISTURBED	DATE
2. INITIAL SLOPE PREPARATION AND STABILIZATION	DATE
3. GRADING AND TOPSOILING	DATE
4. CONSTRUCTION OF STRUCTURES AND UTILITIES	DATE
5. FINISH OF PAVING AREAS	DATE
6. FINISH OF PAVING AREAS	DATE

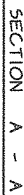
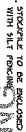
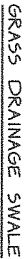
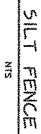
DATE	PROJECT	CLIENT	DESIGNER
1/11/14	IRELAND PROPERTY	O'LEARY-BURKE CIVIL ASSOCIATES, P.C.	IRELAND PROPERTY
1/11/14	CONSTRUCTION PHASE I	CONSTRUCTION PHASE I	CONSTRUCTION PHASE I
1/11/14	CONSTRUCTION PHASE I	CONSTRUCTION PHASE I	CONSTRUCTION PHASE I

FOLLOWING THE ACCUMULATION OF ANY SNOW FALL EVENT WHICH GENERATES MORE THAN 1" OF SNOW OR ICE THE SITE SHALL BE CLEARED. ALL SNOW STORAGE AREAS SHALL BE DOWN GRADIENT OF ANY DISTURBED AREAS AND THE STORAGE OF SNOW IN STORMWATER TREATMENT STRUCTURES IS PROHIBITED.

DISTURBED AREAS ARE TO BE MULCHED WITHIN A WEEK OF DISTURBANCE. THAT MULCH SHALL BE SPREAD UNIFORM, OVER THE AREA AT A RATE OF TWO TONS PER ACRE OR AT A RATE THAT IS SUFFICIENT TO PROVIDE ADEQUATE COVERAGE.

WHERE FINISH GRADE AND TOP-SOILED, SEEDING AND MULCHING IS TO BE APPLIED WITHIN 48 HOURS.

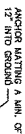
1. SEED MIXTURE IN ALL AREAS SHALL BE URBAN MIX CONFORMING TO THE TABLE SHOWN ON THE PLANS.
2. FERTILIZER SHALL BE STANDARD COMMERCIAL GRADE CONFORMING TO THE STATE FERTILIZER LAW AND TO THE STANDARDS OF THE ASSOCIATION OF OFFICIAL AGRICULTURAL CHEMISTS. LIQUID FERTILIZER SHALL BE APPLIED AT A RATE OF 1.0 POUNDS OF NITROGEN PER ACRE. SOLID FERTILIZER SHALL BE APPLIED AT A RATE OF 1.0 POUNDS OF NITROGEN PER ACRE. FERTILIZER SHALL BE APPLIED IN A MANNER THAT WILL PROVIDE A MINIMUM RATE TO INCLUDE 80 POUNDS OF NITROGEN, 300 POUNDS OF PHOSPHATE, AND 60 POUNDS OF POTASH PER ACRE.
3. LIMESTONE SHALL CONFORM TO ALL STATE AND FEDERAL REGULATIONS AND TO THE STANDARDS OF THE ASSOCIATION OF OFFICIAL AGRICULTURAL CHEMISTS. THE LIMESTONE SHALL BE APPLIED AT A RATE OF TWO TONS PER ACRE OR AS DIRECTED.
4. WITHIN 24 HOURS OF APPLICATION OF FERTILIZER, LIME, AND SEED, THE SURFACE SHALL BE ROLLED TO A MINIMUM OF 1000 LBS PER ACRE. THE ROLLER SHALL BE APPLIED AT A RATE OF TWO TONS PER ACRE OR, AT A RATE THAT IS SUFFICIENT TO ENSURE ADEQUATE COVERAGE.



MTS



NTS



80 100 120 140 160 180 200 220 240 260 280 300 320 340 360 380 400 420 440 460 480 500 520 540 560 580 600 620 640 660 680 700 720 740 760 780 800 820 840 860 880 900 920 940 960 980 1000

ACTS



TECHNICAL DETAILS

DEPARTMENT OF
PLANNING & ZONING

2024

ENTRE

Gilman & Briggs Environmental, Inc. DEPARTMENT OF
PLANNING & ZONING
1 Conti Circle, Suite 5
Barre, Vermont 05641
Tel: (802) 479-7480; FAX: (802) 476-5610
gbenvironmental@earthlink.net

22 January 2014

Patrick O'Brien
Patrick O'Brien Development LLC
200 Old Farm Road
South Burlington, VT 05403

Subject: Grove Street Wetlands

Dear Patrick,

This is to summarize my findings regarding wetlands at the site of the proposed Grove Street Apartments, and their relevance to the Burlington Comprehensive Development Ordinance. There are five wetlands on or near the proposed site of the Grove Street Apartments – two associated with Centennial Brook and near or three adjacent to the Winooski River.

These wetlands were delineated in August 2014, using methodology found in the 1987 US Army Corps of Engineers Wetland Delineation Manual and 2009 Regional Supplement, as required by the Vermont Wetland Rules, and surveyed/mapped by O'Leary-Burke Civil Associates.

Wetland A is a riparian wetland that has formed in an area where the bank of Centennial Brook has slumped, allowing wetland vegetation such as sensitive fern and glossy buckthorn to become established. The 100-foot buffer zone around this wetland extends into the area around proposed Building F and its parking garage entrance ramp, but calculations indicate that impervious acreage in this buffer zone will be reduced by 0.23 acres (from 0.32 (existing) to 0.09 (proposed)).

- a. **Water storage for floodwater and stormwater:** Not applicable; this wetland has no capacity to store water.
- b. **Erosion and sediment control through binding and stabilizing the soil or shoreline:** Not applicable; this wetland is on unstable ground and as such does not contribute to erosion or sediment control.
- c. **Surface and groundwater protection, including sediment and toxicant retention, nutrient retention or transformation, and groundwater discharge or recharge:** Although under existing conditions this wetland may receive runoff from industrial activity upslope, it is not of a size or wetland type that might perform this function.
- d. **Fisheries habitat:** Not applicable.
- e. **Wildlife habitat:** Not applicable; although the wetland lies in a travel corridor along Centennial Brook, the fact that it is a wetland is irrelevant to this function.
- f. **Example of natural community types that are exemplary, rare or make an important contribution to the natural heritage of Burlington and Vermont:** Not applicable.

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Patrick O'Brien
22 January 2014
Page 2

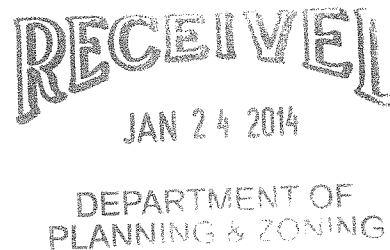
- g. **Habitat for rare, threatened or endangered species:** Not applicable.
- h. **Education and research in natural sciences:** Not applicable.
- i. **Recreation and economic benefits:** Not applicable.
- j. **Open space and aesthetics:** Not applicable.

Wetland B is another riparian wetland at the mouth of Centennial Brook, well away from any proposed activity regarding this project.

Wetland C is on the floodplain of the Winooski River, dominated with silver maple and box elder over ostrich fern, sensitive fern, reed canary-grass, and jewelweed. All proposed development lies outside the 100-foot buffer zone of this wetland.

- a. **Water storage for floodwater and stormwater:** Although this wetland is in the Winooski River floodplain, it does not significantly contribute to this function because of its size.
- b. **Erosion and sediment control through binding and stabilizing the soil or shoreline:** While this wetland is adjacent to the Winooski River, it provides no more erosion or sediment control than "upland" shorelines nearby.
- c. **Surface and groundwater protection, including sediment and toxicant retention, nutrient retention or transformation, and groundwater discharge or recharge:** Because it is in a depositional area, during flood events this wetland likely intercepts and retains sediments carried by the river.
- d. **Fisheries habitat:** This wetland lies well above the normal river level and therefore does not contribute to this function.
- e. **Wildlife habitat:** The wetland lies in an area that serves as a wildlife corridor along the river. There is evidence of use by otter and beaver along this part of the river.
- f. **Example of natural community types that are exemplary, rare or make an important contribution to the natural heritage of Burlington and Vermont:** Not applicable; although mapped in the Vermont Natural Resource Atlas as an S3 (uncommon) high quality Silver Maple-Ostrich Fern Riverine Floodplain Forest, this wetland does not have the characteristics of that community.
- g. **Habitat for rare, threatened or endangered species:** Not applicable.
- h. **Education and research in natural sciences:** Not applicable.
- i. **Recreation and economic benefits:** Not applicable.
- j. **Open space and aesthetics:** Not applicable, based on its size.

Wetland D is a depression on the terrace above the river bank. Dominant vegetation includes reed canary-grass, grass-leaved goldenrod, purple loosestrife, jewelweed, riverbank grape, and groundnut under a canopy of box elder. All proposed development lies outside the 100-foot buffer zone of this



wetland except for a split rail fence to be installed at the request of the Burlington Conservation Committee.

- a. **Water storage for floodwater and stormwater:** Although this wetland is in the Winooski River floodplain, but because of its small size, it does not significantly contribute to this function.
- b. **Erosion and sediment control through binding and stabilizing the soil or shoreline:** While this wetland is adjacent to the Winooski River, it provides no more erosion or sediment control than "upland" shorelines nearby.
- c. **Surface and groundwater protection, including sediment and toxicant retention, nutrient retention or transformation, and groundwater discharge or recharge:** Because it is in a depositional area, during flood events this wetland likely intercepts and retains sediments carried by the river.
- d. **Fisheries habitat:** This wetland lies well above the normal river level and therefore does not contribute to this function.
- e. **Wildlife habitat:** The wetland lies in an area that serves as a wildlife corridor along the river. There is evidence of use by otter and beaver along this part of the river.
- f. **Example of natural community types that are exemplary, rare or make an important contribution to the natural heritage of Burlington and Vermont:** Not applicable; although mapped in the Vermont Natural Resource Atlas as an S3 (uncommon) high quality Silver Maple-Ostrich Fern Riverine Floodplain Forest, this wetland does not have the characteristics of that community.
- g. **Habitat for rare, threatened or endangered species:** Not applicable.
- h. **Education and research in natural sciences:** Not applicable.
- i. **Recreation and economic benefits:** Not applicable.
- j. **Open space and aesthetics:** Not applicable, based on its size.

Wetland E is a large floodplain forest upstream (to the east) of the proposed development, extending into South Burlington. Although this wetland is entirely off the subject property, the 100-foot buffer extends as far as proposed Building B and its parking lot. Proposed impervious acreage within this buffer zone will be 0.02 acres, which represents a 0.12 acre reduction from the existing 0.14 acres.

- a. **Water storage for floodwater and stormwater:** This wetland is the first significant floodplain area on the Winooski as it enters Burlington, and because of its location on the outside of a river bend, very likely intercepts, slows and stores floodwaters.
- b. **Erosion and sediment control through binding and stabilizing the soil or shoreline:** This wetland receives the full force of the river during high water events, and is able to withstand erosive forces by absorbing and ameliorating currents in its dense vegetation.

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DEPARTMENT OF
PLANNING & ZONING

Patrick O'Brien
22 January 2014
Page 4

- c. **Surface and groundwater protection, including sediment and toxicant retention, nutrient retention or transformation, and groundwater discharge or recharge:** Because it is in a depositional area on the outside of broad bend in the river, this wetland intercepts and retains sediments and detritus. There is evidence that material that is washed downstream is carried far into this wetland during high water events.
- d. **Fisheries habitat:** This wetland likely provides fisheries habitat during high water events when it is flooded.
- e. **Wildlife habitat:** The wetland lies in an area that serves as a wildlife corridor along the river. There is evidence of use by otter and beaver along this part of the river. In addition, in combination with Centennial Woods, it is an important part of a 200+ acre wooded section of the city that provides habitat for a diverse wildlife community.
- f. **Example of natural community types that are exemplary, rare or make an important contribution to the natural heritage of Burlington and Vermont:** This wetland comprises about 13 acres, and in combination with wetlands across the river, constitutes a significant wetland complex. This wetland is classified as an S3 (uncommon) but high quality Silver Maple-Ostrich Fern Riverine Floodplain Forest.
- g. **Habitat for rare, threatened or endangered species:** Not applicable.
- h. **Education and research in natural sciences:** Not applicable.
- i. **Recreation and economic benefits:** Not applicable.
- j. **Open space and aesthetics:** The wetland is visible from the river and from the southbound Interstate 89 Bridge, and although it is perceived as forest rather than wetland, it represents an aesthetic natural community in an otherwise urban environment.

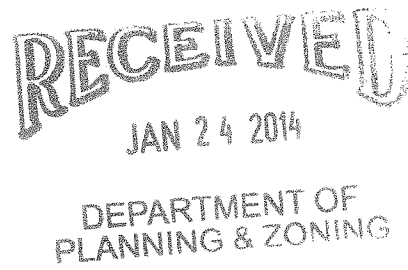
Summary

The buffer zones of two wetlands on or near the property extend into areas proposed for development: a small slump area on the bank of Centennial Brook and a large floodplain forest to the east. The first of these wetlands performs no functions at a significant level, but the second, larger one is significant for water storage for floodwater, erosion and sediment control, surface and groundwater protection, wildlife habitat, exemplary natural community, and open space and aesthetics. This wetland is shown on the Vermont Natural Resources Atlas as covering over 19 acres, but the on-site delineation shows that it does not extend as far downstream as shown on the Atlas and probably measures about 13 acres.

The proposed project will have no direct impacts on jurisdictional wetlands, but will impinge on wetland buffer areas in two places:

1. Near Wetland A (on Centennial Brook) where proposed actions will impact 0.09 acres, but will result in a reduction of 0.35 acres of impervious surface, and
2. Near Wetland E (the large wetland) where proposed actions will impact 0.12 acres.

Patrick O'Brien
22 January 2014
Page 5



Because there will be a reduction in the amount of impervious surface area, and because stormwater treatment and erosion control measures will be employed, neither of these two impact areas will negatively affect the wetlands and their protected functions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Errol C. Briggs".

Errol C. Briggs

Exhibit 5

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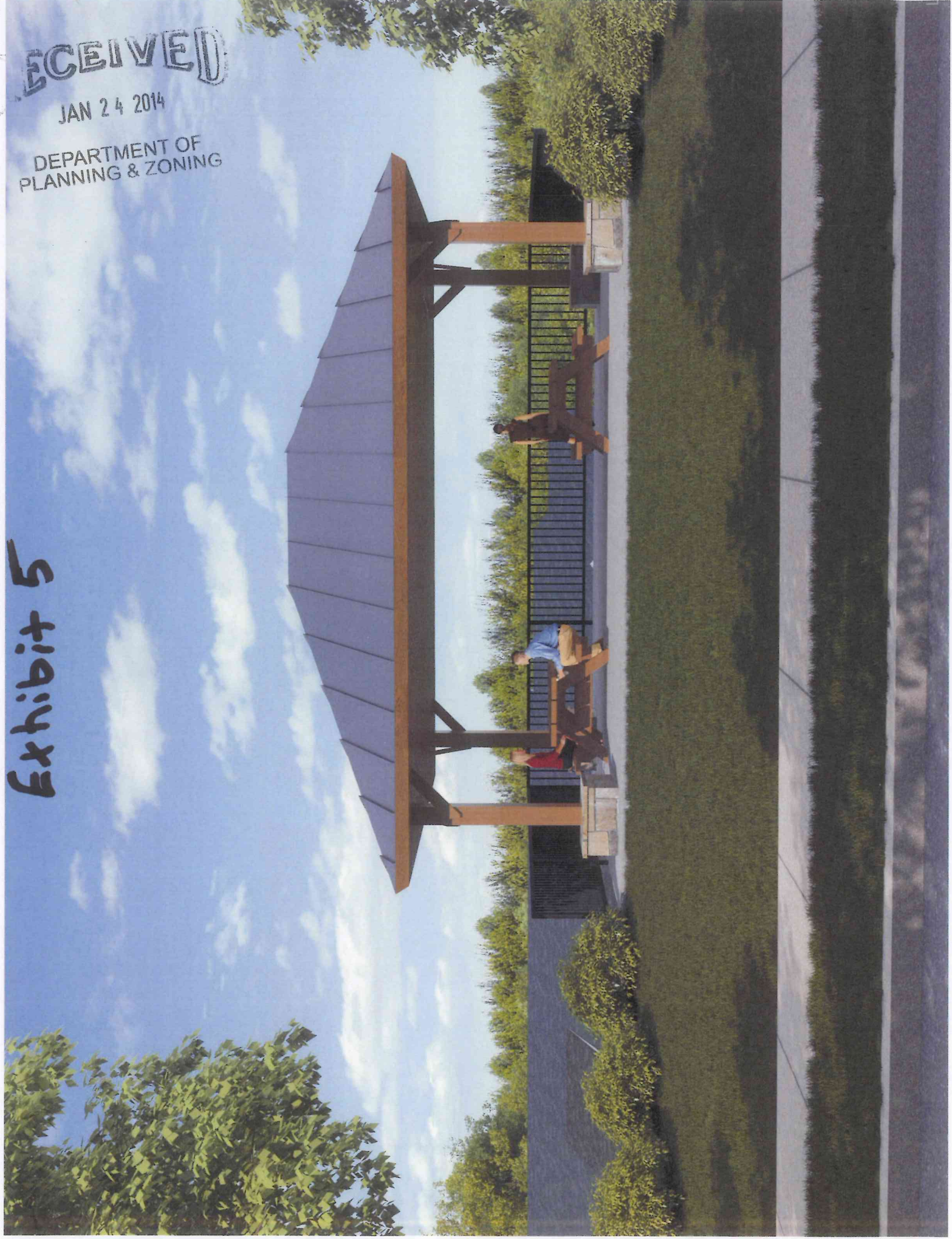
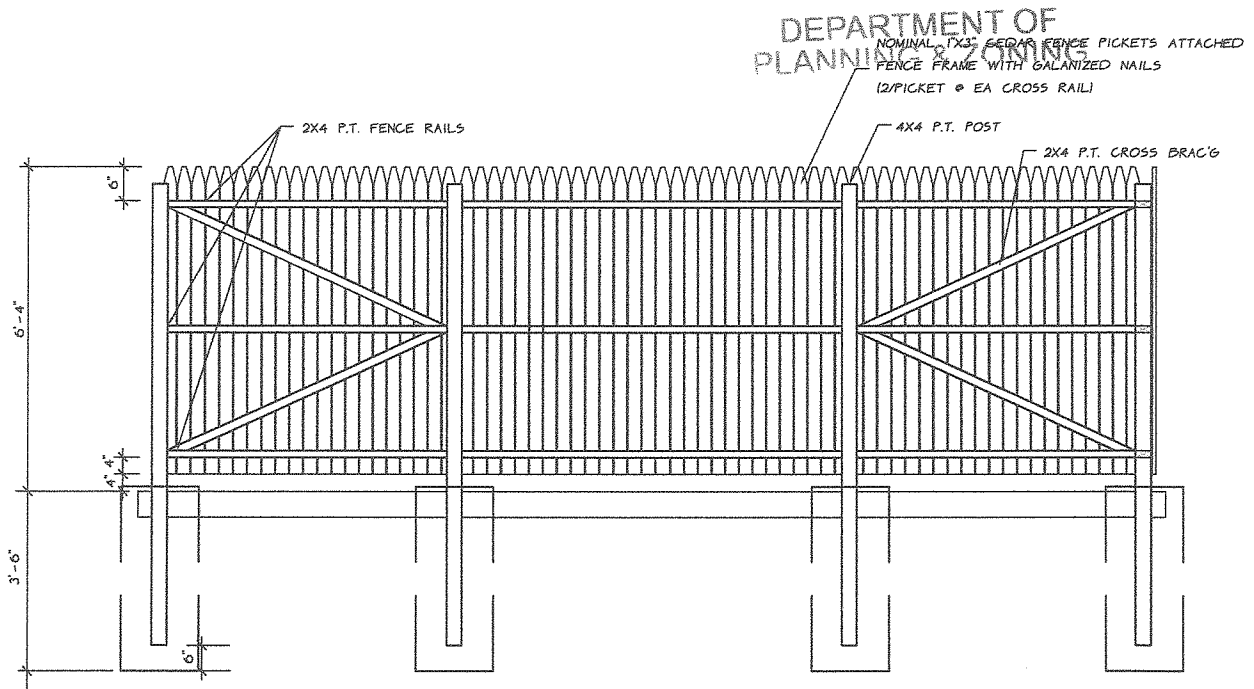


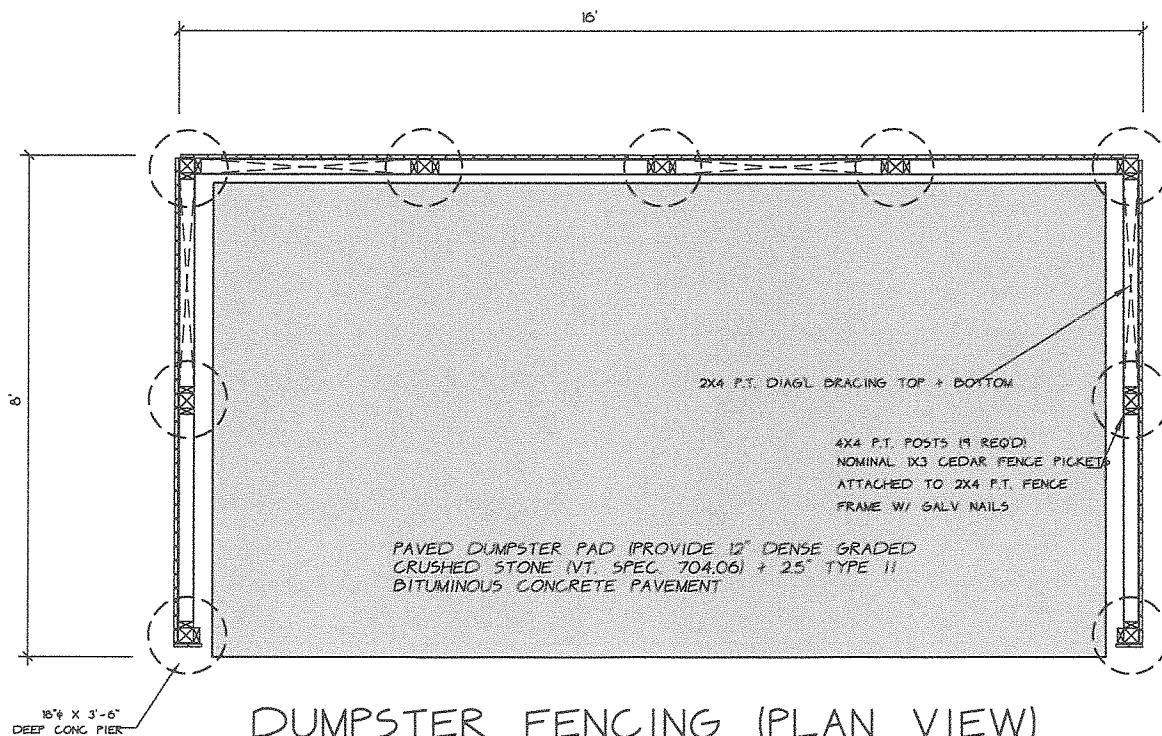
Exhibit 6

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DUMPSTER FENCING (SECTION VIEW)

NTS



DUMPSTER FENCING (PLAN VIEW)

NTS

JAN 24 2014

BIKE RACKS



MAGLIN™

DEPARTMENT OF
PLANNING & ZONING

T 800-716-5506
F 877-260-9393
WWW.MAGLIN.COM
SALES@MAGLIN.COM

MBR500 SERIES

MATERIALS: All parts are made from H.S. steel tube.

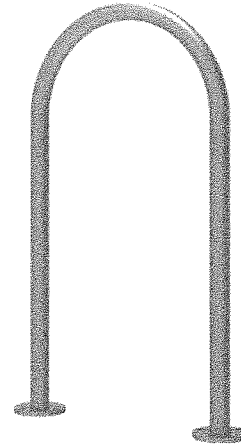
FINISH: All steel components are protected with E-Coat rust proofing. The Maglin Powdercoat System provides a durable finish on all metal surfaces. An optional galvanized finish is also available.

INSTALLATION: The bike rack is delivered pre-assembled. It is available with either a surface mount or direct burial installation option.

TO SPECIFY: Select: MBR500 Series
Choose:
- Powdercoat Color
 - Direct Burial (MBR500-DB)
 - Surface Mount (MBR500-S)
- Galvanized Finish
 - Direct Burial (MBR500-DB-G)
 - Surface Mount (MBR500-S-G)

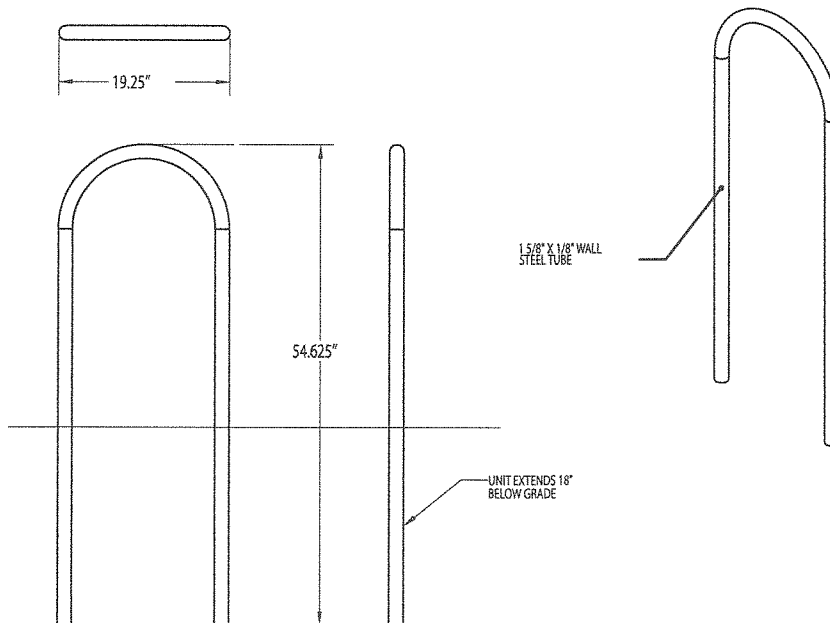
COMPLEMENTARY PRODUCTS:

- MLB590M
- MTB650 Series
- MLWR250-32



*MBR500-S surface mount model shown

DIMENSIONS: Height: 36.625" (93.0 cm)
Width: 19.25" (48.9 cm)
Weight: 17.0lbs (7.7 kg)



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-Details and specifications may vary due to continuing improvements of our products.

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